

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

AFX, INC.

Petitioner,

v.

PACESETTER, INC.

Registrant

Cancellation No.: 92041464
Mark: INTEGRITY AFX
Registration No. 2,515,322

TTAB

Attorney's Reference: FMT1T0036

**MOTION (WITH CONSENT) TO SUSPEND OR CONTINUE SUSPENSION OF
CANCELLATION PROCEEDING NO.: 92041464 AND RESET OF ALL TRIAL
DATES**

Sir:

The Parties, through their attorneys, have again agreed to suspend or continue suspension of this cancellation proceeding for a **four (4)** month period. The Petitioner, AFX, Inc., has been acquired by Guidant Corporation which was announced January 23, 2004. In view of this recent acquisition agreement, Petitioner would again like to provide Guidant with more time to investigate this matter further. Petitioner and Registrant respectfully request that the Board suspend or continue suspension of this cancellation proceeding for another three months, and reset trial dates as follows:

DISCOVERY PERIOD TO CLOSE:

Thirty-day testimony period for party in position of plaintiff to close: February 9, 2005

Thirty-day testimony period for party in position of defendant to close: April 10, 2005

Fifteen-day rebuttal testimony period to close: May 25, 2005



09-13-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #22

This request is not made for purposes of improper delay. **Attorney for Registrant,**
Marcia A. Auberger, Esq., has consented to this motion on behalf of Registrant.

Respectfully submitted,



Michael L. Louie

BEYER WEAVER & THOMAS, LLP

2030 Addison St., 7th Flr.

Berkeley, CA 94704

Tel.: (510) 843-6200

Date: September 10, 2004


Attorney for Petitioner

DATED: September 10, 2004.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th of September, 2004, a true copy of the foregoing MOTION (WITH CONSENT) TO SUSPEND OR CONTINUE SUSPENSION OF THIS CANCELLATION PROCEEDING NO.: 92041464 AND RESET OF ALL TRIAL DATES was served by first-class mail, postage prepaid, and addressed as follows:

Marcia A. Auburger, Esq.
VENABLE LLP
575 7th Street, NW
Washington, DC 20004-1601
(202) 962-4969


Michael L. Louie
BEYER WEAVER & THOMAS, LLP
2030 Addison St., 7th Flr.
Berkeley, CA 94704
Tel.: (510) 843-6200